

Land Use Element of the Master Plan of the City of Newark

Verbal Comments & Responses

Prepared for the Central Planning Board
City of Newark, New Jersey

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City of Newark, NJ
Department of Economic and Housing Development

**SUMMARY OF PUBLIC MEETING COMMENTS AND RESPONSES
REGARDING THE LAND USE ELEMENT
OF THE NEWARK MASTER PLAN
(OCTOBER 2001 REVISED DRAFT)**

The Revised Draft Land Use Element of the Newark Master Plan was released to the public in October 2001. Following release of the document, the City of Newark's Department of Economic and Housing Development, in association with local community organizations, held a series of ten (10) public meetings throughout the five wards of Newark, two (2) meetings per ward, during the months of February and March, 2002. The purpose of these meetings was to solicit input and comments from community residents, community organizations, stakeholders and other interested parties regarding the Revised Draft Land Use Element, as well as other issues affecting land use in Newark, such as transportation and community facilities. While not all of the concerns raised at the meetings could be fully addressed during the meetings, largely because many of the concerns were beyond the scope of the Land Use Element, the meetings did provide an important foundation for future planning in the City, especially with respect to revising the other Elements of the Master Plan in the future. Among the other Elements of the Master Plan to be revised in the future are the Community Facilities Element and the Open Space and Recreation Element.

The initial deadline date for written comments was January 16, 2002, but this was extended to a postmark date of March 15, 2002 to allow for the completion of all public meetings, the last of which occurred on March 7, 2002. This Official Statement is being made available by the City of Newark in response to the verbal comments made at the meetings by attendees and will provide the basis for the final form of the text and maps of the Land Use Element of the Master Plan.

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Meeting No. 1: **West Ward**

Date: Tuesday, February 19, 2002

Sponsoring Community Organization: Unified Vailsburg Service Organization

Location: Unified Vailsburg Services Organization Building, 40 Richelleu Terrace

Comments:

1. Concern was expressed about what is planned for the Pabst Brewery site and the east side of the Garden State Parkway.

City of Newark Response: A planning study of the Pabst Brewery properties in Newark and Irvington was completed in May 2002 on behalf of the City of Newark (acting through the Newark Economic Development Corporation) and the Irvington Urban Enterprise Zone. The study report recommends that a redevelopment area be designated from Speedway Avenue to South 16th Street and from 13th Avenue in Newark to 15th Avenue in Irvington. Within the redevelopment area, the report proposes a redevelopment plan that calls for residential infill development within the existing residential neighborhoods around the brewery site, inclusive of the Newark-owned Newark News site at South 19th Street and South Orange Avenue. The plan also calls for redevelopment of the main brewery sites flanking Grove Street at South Orange Avenue into a new supermarket, pharmacy and full service bank, all with off-street parking to the rear that would be shared with other existing and new businesses along South Orange Avenue. Under the plan, 21st Street would be reopened through to South Orange Avenue in Newark and Dassing Avenue would be continued through the block between Grove Street and 21st Street to create a new block for two-family owner/renter unit homes. A new access alley would also be cut through the existing Pabst parking lot to create two additional new residential blocks between Whitney Street and 21st Street, also for two-family owner/renter units. Several existing buildings on South Orange Avenue are recommended for rehabilitation and conversion to mixed-use occupancy. Recommendations from the Pabst planning report will be incorporated into the Future Land Use maps in the Land Use Element.

2. Concern was expressed that community residents have not been given enough opportunity to be involved in the planning process for their own community.

Response: At the outset of the preparation of the Land Use Element, the City of Newark organized two (2) workshops, in January and August of 1998, to which community stakeholders and representatives of both small and large businesses were invited to discuss the problems, issues and concerns related to Newark's Master Plan and zoning policies. In addition, over a period of approximately one (1) year, a series of community workshops was held at City Hall. The workshop meetings were held once a month at which members of the public were invited to learn about and discuss elements of the Master Plan, including land use, open space, economic development, community facilities, transportation and other services. Recommendations from these workshops were included in the preliminary draft of the Land Use Element as well as in the Master Plan Re-examination Report, which was adopted by the Central Planning Board in December 1999 and which have also been incorporated into the current draft of the Land Use Element. Additional opportunities for community residents to provide their input and express their opinions about planning issues in Newark were provided through an extensive series of public meetings, including a meeting held at City Hall in June 2001 as well

as 10 public meetings held in each of the city's five (5) wards during February and March of 2002.

3. Concern was expressed that variances are being approved without knowledge or input from the community.

Response: The issue of variances has more to do with the city's zoning ordinance than it does with the Land Use Element of the Master Plan. The City's Master Plan is being updated to form the basis for a new city zoning ordinance, which is expected to lessen the need for the Zoning Board of Adjustment to issue zoning variances. With respect to knowledge and input from the community on zoning variance applications, the City of Newark follows the requirements of the State's Municipal Land Use Law as it relates to notifying the public about variance applications and Zoning Board of Adjustment meetings. It is true, however, that public notice is not required for minor site plan applications.

4. A question arose about whether UMDNJ will be allowed to expand under the Future Land Use Plan.

Response: The boundaries of the UMDNJ and all other large governmental, educational and medical institutions in Newark are confined to their current boundaries in the Land Use Element. While the City of Newark endorses their growth and expansion in the future, it cannot forecast the extent or the direction any of these institutions will actually expand in the future. Therefore, to the extent that the UMDNJ or any other similar health care, educational or governmental institution wishes to expand beyond their current boundaries in the future, they would either need to seek a variance from the City's Zoning Board of Adjustment or go before the City Council for a change in zoning. While the Land Use Element does not currently designate areas into which these institutions would be able to expand in the future, one of the underlying policies of the Land Use Element is to create flexibility with respect to the layout of buildings, vehicular access, parking areas and open space so that these institutions can expand or reorganize their facilities within their present boundaries.

5. Much concern was expressed over when detailed neighborhood planning for schools and parks will take place.

Response: While much work has already been done by Newark Public Schools and the City to identify potential sites for new schools, detailed neighborhood-level planning is not scheduled to begin until after work on re-writing the City's zoning ordinance is completed and sufficient funding is identified to carry out neighborhood planning studies.

6. A question arose concerning which land use category houses of worship are included in.

Response: Houses of worship will be permitted in all of the residential zones and probably in all of the commercial zones, including the downtown area. They will probably also be permitted in the light industrial zones but not in the medium or heavy industrial zones. They may also be permitted in one or two of the special purpose districts. For example, they will be permitted in the cemetery zone, for obvious reasons. Supplementary standards may need to be applied in some of the

zones, though, to protect the houses of worship from the surrounding uses and vice versa.

7. Much support was expressed in favor of protecting school sites from other types of development.

Response: The City administration introduced legislation before the Municipal Council on June 6, 2002 for the purpose of zoning the highest priority school sites specifically for schools, thus preventing other types of development from taking place on those sites. Unfortunately, when the legislation came up for Second Reading and Final Passage at the Council's August 7th meeting, the Council decided to table the proposed ordinance until questions are resolved about whether the ordinance would limit less-traditional definitions of schools from being built, such as those based in the buildings of commercial or community-based organizations. Concern was also expressed that mandatory parking lot size requirements would eliminate green, open and play space as well as eventually affect the amount of space that would be left available for residential home construction. In the meantime, adoption of the Land Use Element by the Central Planning Board will provide some protection for proposed school sites, which will be a permitted use in all land use categories.

8. Concern was expressed that new 2- and 3-family residential development is exacerbating the parking problem in Vailsburg.

Response: Design and parking standards will be incorporated into the forthcoming zoning ordinance for all residential zones and will take into account the amount of parking that will be appropriate and necessary to meet the requirements for providing off-street parking so that the additional parking generated by new development or redevelopment will not spill over onto the street.

9. Concern was expressed that the Land Use Element did not reflect the transportation needs of the West Ward and was not tied closely enough to the NEDLUTP Transportation plan prepared by Parsons Brinckerhoff.

Response: A thorough review of the draft Parsons Transportation Study was done and a synopsis was included in the Land Use Element. Where there were recommendations from the Study, they were either incorporated into the Land Use Element text or the Land Use Element maps were changed to reflect those recommendations. Many of the recommendations included in the Study, however, go beyond the scope of the Land Use Element and are more appropriate for inclusion and adoption as part of the Circulation Element of the Master Plan. When the Circulation Element is amended in the future, additional changes to the Land Use Plan will be made as necessary.

10. Concern was expressed over how home-based businesses will be treated in the new zoning ordinance.

Response: Home-based businesses will be divided into two categories: (1) home occupations (essentially occupations conducted indoors in the home where there is no visible sign of the business from the outside and with the business restricted only to the occupants of the residence), which will be permitted in single-family homes in all residential districts, subject to additional conditions, and (2) home professional offices, such as doctor's or accountant's offices, which will be restricted to locations

along major streets where both traffic and parking can be handled more effectively. They will not be permitted in purely residential communities, considering there is the danger of disruption and changing of neighborhood character in those areas.

11. Support was expressed favoring expansion of First Residential zoning districts in the West Ward.

Response: Both in the West Ward and the North Ward, there will be a further review of various areas to determine whether they are strictly or overwhelmingly single-family residential, both in terms of the current zoning and in terms of the current land use. To the extent that they are single family, the First Residential zoning district will be expanded to include them.

12. Opposition was expressed to mixed residential zones allowing 2- and 3-family homes in the West Ward.

Response: The City has revisited the special-purpose designation allowing mixed land uses. The City does not intend to change the character of the districts that are predominantly single-family residential to 2- and 3- family. In other words, predominantly single family districts within the West Ward will remain as such, as reflected both in the text and maps of the Land Use Element. The designation of 2- and 3-family homes will be restricted to those portions of the West Ward, as well as to other parts of the City, where the predominant land use is already 2- and 3-family housing, and will also be applied to new neighborhoods, where land has been cleared for new development and such housing has been deemed to be appropriate.

Meeting No. 2: East Ward

Date: Wednesday, February 20, 2002

Sponsoring Community Organization: Ironbound Community Corporation

Location: East Side High School, 238 Van Buren St.

Comments:

1. Support was expressed for having the City adopt the Ironbound Community Master Plan, which was prepared and presented by the Ironbound Community Corporation at the meeting, and for its incorporation into the City's Master Plan Land Use Element.

Response: The City and its consultants have reviewed the Ironbound Community Master Plan (the "ICC Plan") and to the extent the ICC Plan conforms with the land use and development policy objectives of the City, it will be incorporated into the City's Master Plan Land Use Element. However, City Land Use Element recommendations are intended to be broader and more general than those contained in the ICC Plan and therefore will not contain the same level of detail. The City agrees in general, though, with the concept of transition zones as presented in the ICC plan but endorses a more flexible development policy along the waterfront. An opportunity for a greater level of detailed neighborhood planning and community involvement will occur when the City prepares other elements of the Master Plan, particularly the Community Facilities Plan Element in the future.

2. Concern was expressed that economic development programs for the 22 Urban Enterprise Zone corridors in the City were never implemented.

Response: Implementation of economic development programs for the City's Urban Enterprise Zone corridors is an issue that will be more properly discussed in the Economic Plan Element of the Master Plan when it is revised in the future. However, to the extent that economic development and commercial redevelopment strategies were mentioned in the 2001 Newark Comprehensive Economic Development Strategy report prepared for the Newark Economic Development Corporation, they were also incorporated into the Land Use Element.

3. Concern was expressed that new industrial uses and resulting environmental hazards will be permitted in residential areas of the Ironbound.

Response: The City has reviewed the feasibility of creating a Special Purpose District that allows mixed uses. Subject to its adoption, Special Purpose Mixed Use Districts will be the only areas where new industrial uses will be allowed to co-exist with residential uses. In those areas, only light industrial facilities will be allowed to be built as-of-right, such as craft-type shops and jewelry manufacturers, for example. Industrial uses are important to the City's economy because they provide much needed jobs for City residents. However, industrial uses that are incompatible with residential uses, such as those that create odor, noise or other types of environmental contamination, will not be permitted.

4. Concern was expressed that land for school sites in the Ironbound is being given away by the Central Planning Board to private developers for other kinds of development.

Response: This is not the function of the Central Planning Board to make decisions about land disposition or to determine how related to the siting of new schools. In one instance, however, the Planning Board granted a developer the particular use sought on a site that also happened to be in a location targeted for the First Avenue School. In that case the Planning Board had rendered a decision on that development by granting the use variance as the Planning Board did not have a legal basis for denying the application. The City of Newark, however, has taken steps to protect the remaining school sites from being developed for uses other than schools by incorporating a map of the proposed school sites into the Master Plan and by submitting legislation to the Municipal Council that would re-zone the priority school sites for school use only. See response to Comment No. 1, Meeting No. 1.

5. A desire for a shopping mall similar to the one in Elizabeth, NJ, and more recreation facilities, such as a bowling alley, was expressed.

Response: The Future Land Use Plan in the Land Use Element includes a land use category, C-3C, for shopping centers and big-box retail stores, such as a Home Depot, in certain locations, including along Raymond Boulevard and Frelinghuysen Avenue. Commercial recreation uses, such as bowling alleys, will be permitted in commercial zones as well as light industrial areas under certain circumstances.

6. A complaint was expressed that a variance for a McDonald's Restaurant was granted on a potential school site.

Response: At the meeting on October 25, 2001, the Newark Board of Adjustment denied a variance for the proposed McDonald's Restaurant, which would have been located at 371-447 Ferry Street had the variance been granted. Appeal No. 01-01-E). Furthermore, as explained in the response to Comment No. 4 above, the City administration has attempted to protect school sites from being developed other than as schools through incorporating the map of proposed school sites into the Master Plan and introducing legislation that would re-zone priority school sites for school use exclusively. The revised Land Use Element of the Master Plan, if adopted, will provide the basis for an updated zoning map of the City, which should then reduce the need to issue zoning variances.

7. Concern was expressed about whether the Master Plan will include urban design guidelines for new residential development.

Response: Urban design guidelines are beyond the scope of the Land Use Element but will be considered when the City's zoning ordinance is rewritten following adoption of the Land Use Element by the Central Planning Board. Included among the issues to be considered will be regulations of buildings design elements and accessory uses, such as parking requirements involving not only the ratio of spaces required but also the location of where parking can be provided on residential lots.

9. Concern was expressed that not enough off street parking is being provided in the East Ward considering the degree of 2- and 3-family residential development taking place there.

Response: Forthcoming revisions to the City's zoning ordinance will address this issue.

9. Concern was expressed that the Master Plan will perpetuate sprawl through the lack of open space and parking.

Response: Forthcoming revisions to the City's zoning ordinance will address the parking issue. It is expected that new areas for open space will be identified through an update to the Open Space and Recreation Element of the City's Master Plan and through the neighborhood planning process.

10. A need for new schools and open space was expressed.

Response: The issue of new schools has been addressed in the Land Use Element through the inclusion of maps showing the location of new school sites as proposed in Newark Public Schools Site Evaluation Study. The issue of open space will be addressed through the neighborhood planning process and through updates to the Open Space and Recreation Element of the City's Master Plan.

11. Concern was expressed that mixed use zones will encourage additional traffic and need for parking in the Ironbound.

Response: Mixed use zones are actually designed to do the opposite. They have been found in planning studies to encourage shared parking and reduce the number of vehicle trips generated by area residents by allowing them to live, work and shop in the same neighborhood. Thus, for example, the same parking space can be used for residential purposes at night and for employment or shopping purposes during the day.

12. Concern was expressed that there is a lack of parks for the level of new residential construction taking place in the Ironbound section of Newark.

Response: A determination of need for parks and open space will be made during the neighborhood planning process that will take place when the Open Space and Recreation Element of the Master Plan is revised and updated in the future.

13. Concern was expressed that there is a problem with illegal conversions in the Ironbound.

Response: This is essentially a problem related to the enforcement of the City's existing zoning ordinance. There will be some additional statements added to the draft Land Use Element that recognizes it as a problem and encourages greater enforcement. Moreover, to the extent that the revised Land Use Element and new zoning ordinance are adopted by the City, code enforcement officers will have a clearer and more up-to-date set of regulations with which to work in order to deal with illegal conversions in the future.

14. Jacques with NJ Transit was encouraged to improve transportation in the Ironbound.

Response: The next comment line noted a specific to the Land Use Element will be passed along to NJ Transit issues concerning transportation.

improvements for the Inlandport will be addressed when the Transportation Element of the Master Plan is reviewed and updated.

15. The siting of industrial uses along the waterfront was criticized.

Response: There will be no additional industrial uses encouraged along the Passaic River waterfront in the Land Use Element. Moreover, in those waterfront areas where weak industrial uses currently exist, they will be given a new land use designation that will allow for waterfront use including residential, office, recreational and open space type uses but not industrial uses. The areas where industrial uses will still be permitted will be in those areas where heavy industrial uses currently exist, such as in the Port Newark area, given the fact that the industrial properties there contribute to the City's employment base and provide much needed tax revenues. In addition, prospects for redevelopment in these areas in the next 20 years are very slim, given the nature and resale value of the uses that exist there and thus do not warrant a reclassification of land use designations.

16. The lack of neighborhood-level planning by the City was criticized.

Response: Throughout the Master Plan process and particularly with this latest round of Land Use Element revisions, the City has taken steps to recognize the need for neighborhood-level planning and to involve grassroots community organizations in the planning process. The City has also agreed to incorporate community input into the planning process as the other Elements of the Master Plan are updated and revised in the future. Funding is currently being sought to support the neighborhood-level planning process.

17. It was felt the Land Use Element should be more specific about community facilities.

Response: A detailed analysis of need for community facilities is beyond the scope of the Land Use Element. The Land Use Element, however, does encourage community facilities to be located in residential districts and, in particular, in high areas along the major commercial corridors where retail uses may be weak. Specific recommendations for community facilities will be considered during the neighborhood planning process when the Community Facilities Element of the Master Plan is revised and updated in the future.

18. Concern was expressed about whether property revaluations were factored into the Master Plan.

Response: The issue of property revaluations is beyond the scope of the Master Plan and was not a factor in determining future land uses in the city. The land use designations indicated on the Future Land Use Plan will not in and of themselves increase or decrease the valuation of a particular property. However, one of the goals of the Land Use Element is to replace abandoned, underutilized or marginal uses in the city with more productive uses, given current development trends in Newark. The land use designations on the Future Land Use Plan, however, will form the basis for revising the City's zoning maps and zoning ordinance subsequent to adoption of the Land Use Element by the Central Planning Board. Any future land use designations on the Future Land Use Plan could have a legal, indirect effect; the City's zoning ordinance does carry the weight of law. If an area that will be rezoned under the new zoning ordinance may experience an increase or decrease in value depending upon the market values associated with an area rezoned.

designation

19. Concern was expressed that new construction on Route 78 will generate additional traffic in the East Ward.

Response: The construction of Route 78 and any other traffic improvements in the City are being designed and intended to accommodate traffic and therefore decrease the level of traffic in a particular area. With increased access to Route 78, the expected result will be smoother traffic flow going into and out of the East Ward.

20. Concern was expressed that the proposed location of the Arena project in the middle of the City will generate too much traffic in the rebound area.

Response: Assuming the development of an Arena, the City and its consultants have studied the impact on traffic that will occur in the vicinity of the Arena site. The Land Use Element was prepared with the understanding that the Arena would be built in light of these preliminary investigations. Still, developers of the Arena will be required to launch their own full-scale traffic impact studies.

21. Concern was expressed that the mixed-use category will allow out-club activity adjacent to residential areas.

Response: Nightclubs will not be a permitted use in the Mixed-use category. In fact, any activity that generates loud noises will not be permitted in the Mixed-Use category.

Meeting No. 3 East Ward

Date: Thursday, February 21, 2002

Sponsoring Community Organization: E. Cuthbert Bancroft and Union Park Coast
Cultural District

Location: Lady Liberty Charter School, 25 Pennsylvania Avenue

Comments:

1. It was felt that the Land Use Element does not provide enough details about land use issues specific to the South Broad Street neighborhood, as opposed to other sections of the East Ward.

Response: The South Broad Street Neighborhood is described in Section 3.2 of the Land Use Element as one of the neighborhoods within the East Ward. The Land Use Element of the Master Plan provides the same level of detail for each of the neighborhoods of Newark, and land use designations are indicated for every lot and block in the South Broad Street community.

2. Concern was expressed about the extent of new residential construction taking place in the South Broad Street area and the lack of citizen input in the review process by the City.

Response: While new residential construction in the South Broad Street area is not related to the Master Plan and use designations for that area, residential construction in currently zoned industrial areas of the South Broad Street neighborhood has been addressed. In general, the Land Use Element seeks to maintain current development densities in a particular area unless there is a redevelopment plan for that area which proposes a higher density of development. Land use designations in the Future Land Use Plan may reflect community character where it is identifiable by indicating the same types of housing at the same level of densities that already exist in an area, including the South Broad Street neighborhood. Under the Future Land Use Plan, some areas within the South Broad Street neighborhood that are currently zoned for industrial uses will be designated for higher-density residential development.

As to respect to citizen input into the City's development review process, it should be noted that development of one- and two-family homes on single isolated lots is exempt from site plan approval under the State's Municipal Land Use Law (M.L.U.L.). Thus, in these instances, citizen input is not solicited because no public notice or hearing is required in connection with obtaining a building permit. However, in those cases involving larger developments that do require site plan review by the City, citizen input does exist through the statutory requirements for public hearings and notification of surrounding property owners under the M.L.U.L. Hearings by the City's Central Planning Board and Zoning Board of Adjustment are held regularly at City Hall and are open to the public. A schedule of meeting dates is posted for the entire year in January in the Office of Boards at City Hall. Citizen input is a significant component of the Master Plan process, as evidenced by the 10 public meetings that were held in February and March of 2002 throughout the five wards of Newark, where the public had an opportunity to express their opinions orally, verbally, and in written form concerning the future Land Use Element. Additional opportunities for citizen input are expected to be provided during the neighborhood planning process.

that will take place when the other pertinent Elements of the Master Plan are updated in the future.

3. Concern was expressed about the sameness of design for the new homes being built.

Response: In the extent site plan review for one- and two-family homes, as required under the Municipal Land Use Law, the City does not have much control over design in general, and particularly with respect to the issue of sameness of design, other than by way of contact provisions established as conditions for conveyance built into the land purchase and sale agreement for City-Owned Properties. Typically, zoning ordinances regulate the height and density of new buildings and not the aesthetics of design, which is a much more subjective factor. However, in the new zoning ordinance that will be drafted subsequent to adoption of the Land Use Element by the Central Planning Board, some design guidelines for one- and two-family homes, as well as other forms of residential development, will be included. Therefore, the intent will be to address the design issues in the zoning ordinance rather than the Master Plan. Where new development occurs in a historic district, however, it will be subject to design controls appropriate for that district and will undergo review by the City's Landmarks and Historic Preservation Commission. Those meetings are open to the public.

4. Concern was expressed about the lack of affordable new housing.

Response: In relative and absolute terms, Newark currently provides more affordable housing to its residents than other communities in New Jersey, as a result of the huge amount of government-sponsored public housing that was built in Newark since the 1940s, as well as through the replacement of the larger-scale public housing projects with new townhouse development that has occurred throughout Newark over the past 10 to 15 years. In addition, the construction of new affordable housing has been provided as a result of the Mt. Laurel court decision and regional contribution agreements (RCAs) with surrounding communities, as arranged through the State's Commission on Affordable Housing (COAH). The City does not intend to restrict new residential development solely to market-rate housing but to encourage a broad mix of housing types that provide choices for working families with a wide range of incomes. In fact, in many areas of the City where affordable housing development activity has been occurring, the City has supported the rehabilitation of existing housing stock as a means of providing affordable housing and, as a way, to avoid wholesale tenant relocation. Such a policy has given current neighborhood residents new housing opportunities in their own communities. A policy statement will be added to the Land Use Element expressing the goal of providing affordable housing in the future.

5. Concern was expressed about environmental contamination of new home sites.

Response: The Master Plan seeks to enforce New Jersey's very strict environmental cleanup regulations for residential areas by not permitting new housing on sites that have not been declared environmentally safe or where environmental cleanup has not occurred. A list of known brownfield sites in Newark has been included in the appendix of the Land Use Element. To reiterate the City's policy regarding brownfield sites, a policy statement will be added to the Land Use

Element indicating that to the extent a site is known to be contaminated, it should be cleaned up in accordance with state law before residents are permitted to live there.

- 6 Concern was expressed that rents on existing housing in the area are too high.
Response: Efforts are currently being made, particularly by the Newark Housing Authority, to provide affordable housing to families of low and moderate incomes in all areas of Newark where housing redevelopment or revitalization is occurring.

- 7 A suggestion was made that proposed school sites should allow more than one use.
Response: The Master Plan recognizes that schools are an important resource to communities and should be used for more than just the classroom education of children. The Land Use Element thus encourages new school sites to be planned so that they can be used by the wider community for meetings, neighborhood recreation and other activities beneficial to community residents.

- 8 Concern was expressed that not enough transportation planning is being done that will allow people without cars to access the major commercial areas of the City.
Response: Newark is doing an extensive amount of planning to improve public transportation and mass transit, which will allow the public to get to the major commercial corridors of the City. The Land Use Element is also trying to foster mixed-use development and to bring employment opportunities into residential areas and neighborhoods throughout the City to enable residents without cars to walk to work and retail areas. To the extent employment and retail opportunities are not available nearby, the Land Use Element encourages access to mass transit and public transportation by allowing higher densities of development near transportation nodes.

- 9 A question was asked about the process of community input and participation.
Response: See response to Comment No. 16, Meeting No. 2.

- 10 Adoption of the nonbound Community Plan by the City was encouraged.
Response: See response to Comment No. 1, Meeting No. 2.

- 11 Support was expressed for setting aside sites for affordable housing.
Response: See response to Comment Nos. 4 and 6 above.

- 12 A suggestion was made to give the City more tools to prevent residential construction on contaminated sites.
Response: Existing New Jersey State environmental laws and regulations are very comprehensive and provide a sufficient legal basis for preventing residential development from occurring on contaminated sites. In fact, a higher degree of cleanup is required on residential sites than on sites proposed for other types of uses. However, the key to preventing residential construction on contaminated sites is strict enforcement of the State's environmental cleanup laws, which is a regulatory, enforcement matter and not a Master Plan issue per se. See also response to Comment No. 5, Meeting No. 3.

Meeting No. 4 **Central Ward**

Date: Monday, February 25, 2002

Sponsoring Community Organization: Tri-City People's Corporation and
Neighborhood Empowerment Council

Location: South 7th Street School, 619 S. 7th Street at 13th Avenue

Comments:

- 1. Questions were raised concerning what long-term plans the City has for neighborhood-level planning, how much input neighborhood residents will have in determining land uses for their neighborhood and how residents will be selected to participate in the neighborhood planning process.

Response: Detailed neighborhood-level planning will begin once the re-writing of the City's zoning ordinance is completed and sufficient funding is identified to carry out neighborhood planning studies. As indicated in the responses to Comment No. 16, Meeting No. 2, Comment No. 1, Meeting No. 4, Comment No. 8, Meeting No. 4 and Comment Nos. 11 and 12, Meeting No. 9, once this phase of master planning begins, the major focus will be on neighborhood-level planning and community input.

- 2. A question was asked concerning when the City will revise the other Elements of the Master Plan.

Response: The City intends to start revising the other Elements of the Master Plan after the Land Use Element and new zoning ordinance have been adopted.

- 3. A question was asked about the types of employment that are envisioned with respect to the policy recommendation for employment-generating uses in the Central Ward and what encouragement is given to shifting new home development to the private sector, given that private sector development of new single- and two-family homes makes them largely unaffordable for the average Central Ward resident.

Response: There was general recognition in drafting the Land Use Element that in the past there were two major areas where the City provided employment. The Port Newark/Longport area in the East Ward and the Central Business District in downtown Newark. There were very little employment opportunities in other parts of the City. There is also recognition that there are certain areas of the City that are comprised of large amounts of vacant land or marginal uses that have the potential for redevelopment and are well-suited for either office development, light industrial development or research facilities that would have the potential of generating employment for Newark residents closer to where they currently live. Providing jobs would also create an economic stimulus for these areas by generating demand for housing and retail goods and services, which could then support additional growth. The two major areas where the City sees growth in employment-generating land uses taking place in the future include the University Heights section, where new employment will be generated by expansion of the hospitals, educational institutions and research facilities in the area, and in the South Ward/Industrial Park area, where office, light manufacturing and research kinds of employment opportunities will be available. Providing jobs will also create an economic stimulus for these areas by generating demand for housing and retail goods and services, which could then support additional growth.

with respect to why new home development has been in the private sector, recognition is also given to the fact that during the late 1980s and 90s there was less interest in the housing sector in Newark that was largely brought on by government action not to take the lead role in providing low and moderate income housing opportunities. Now that the economy has improved and more people are choosing Newark as a place to make their home, demand is rising enough in many sections of Newark to require private sector development of both for sale and rental housing as well as market-rate and affordable housing. This is especially true in the East and Central Wards where the development of private family owner-occupied homes has also provided rental and housing opportunities for those who may not be able to afford the purchase of a home. Thus, the need for new housing in Newark is being met not only by the Newark Housing Authority and non-profit organizations, but also by private sector developers.

4. Concern was expressed over how much input neighborhood residents will have in determining land uses in their neighborhood.

Response: See response to Meeting No. 4, Comment No. 1 above.

5. Interest was expressed about whether the Future Land Use Plan will allow for the development of 3- and 4 family homes.

Response: Yes, the majority of residential land use designations in the Future Land Use Plan, comprising significant areas of the City, will permit the development of multi-family housing under the "R-HD" designation.

6. Concern was expressed that the Land Use Element does not include a budget for City spending on new community facilities for each neighborhood.

Response: That is typically provided in the City's capital improvement budget and is neither a land use nor a Master Plan item. However, the Land Use Element recognizes that as neighborhoods are re-built and repopulated, additional neighborhood facilities will need to be provided.

7. Interest was expressed in having the City inform the Master Plan Working Group within 2-3 weeks after the conclusion of the public meetings of its decisions with regard to the comments made during the meetings.

Response: The City intends to inform the Master Plan Working Group of its responses to comments made during the public meetings as expeditiously as possible. Initially, it was expected that the response would be forthcoming within three weeks from the conclusion of the public meetings, but on account of the overwhelming number of verbal and written responses received, that the City sought to analyze and provide carefully reasoned explanations for its stance in the response document was delayed. We apologize for any inconvenience this may have caused.

8. Concern was expressed over how community residents will be chosen to participate in neighborhood-level planning.

Response: A definitive selection process has yet to be determined. However, the City does intend to have neighborhood representation in the next phase of the Master Plan process. To this end, the City has worked in collaboration with the Newark Community Development Network ("NCDN"), an umbrella organization representing citywide neighborhood interests, to secure funding that will facilitate neighborhood planning efforts. The NCDN would then work with those community and neighborhood organizations deemed representative of their respective areas in order to select the professional consultants that will be utilized to produce the neighborhood plans. These plans will then be reviewed by the City and will be considered for incorporation into the relevant elements of the Master Plan, provided they meet with City policy objectives and are consistent with the statutory requirements of the State's Municipal Land Use Law.

9. Concern was expressed that housing along Warren Street and in other areas of the Central Ward has been displaced by industrial and medical uses (i.e., Science Park). It was suggested that more 2- and 3-family housing be provided for single-parent families.

Response: Science Park is part of a redevelopment plan that was in place prior to the preparation of the Land Use Element. As with other redevelopment plans that had been adopted previously by the City, the Land Use Element reflects the land uses indicated in each of the redevelopment plans that were reviewed while drafting the Land Use Element.

With respect to the suggestion for more 2- and 3-family housing, it should be noted that the largest residential land use designation on the Future Land Use maps (i.e., the "R-HD" designation) allows for 2- and 3-family homes.

10. Concern was expressed over how the Land Use Plan will assure adequate sites for schools.

Response: See response to Meeting No. 2, Comment No. 4.

11. Concern was expressed over why the Land Use Plan does not indicate contaminated sites.

Response: A list of contaminated brownfield sites is included in the appendix of the Land Use Element. The designation of land uses on the Future Land Use maps takes into consideration the location of these contaminated sites.

12. Concern was expressed over whether the Land Use Plan addresses new developments planned for Newark such as the Arena and Central Ward housing development.

Response: Consistent with the requirements of State law, the Land Use Element takes into consideration and reflects the land use designations that are part of redevelopment plans adopted by the City, including the Newark Arena and the Central Ward development plan by the Newark Housing Authority, is that they will also be reviewed to consistency with the Land Use Element Future Land Use Plan.

7. A suggestion was made to place a moratorium on all new development in Newark.
- Response:** Moratoriums on development are essentially prohibited by State law, except in very narrowly defined circumstances as defined by New Jersey statute. Sec. 40:55D-90a of the N.J. Statutes explicitly states that "the prohibition of development in order to prepare a master plan and development regulations is prohibited. Furthermore, Sec. 40:55D-91 states that "no moratorium on applications for development" shall be permitted except in cases where the municipality demonstrates on the basis of a written opinion by a qualified health professional that a clear imminent danger to the health of the inhabitants of the municipality exists, and in no case shall the moratorium exceed a six month term. William M. Cox, a noted legal authority on zoning, states in his book, New Jersey Zoning and Land Use Administration (Gann Law Books, 2001) that the prohibition on moratoria "has now been in effect for such a number of years and the provisions are so unequivocal that municipalities have ceased to enact the type of moratoria proscribed by subsection a."

Meeting No. 5 South Ward

Date: Wednesday, February 27, 2002

Sponsoring Community Organization: Statewide Parents Advocacy Network
"SPAN")

Location: Chancelor Avenue School, 321 Chancelor Ave.

Comments

1. A suggestion was made to create an entertainment zone in the South Ward to encourage the re-use and redevelopment of old industrial buildings into restaurants and recreational facilities that could be used for bowling, indoor batting practice, golfing, etc.

Response: This is a good suggestion. However, creation of a separate entertainment zone in the South Ward might preclude other types of uses in that area and thus might not be the best approach for encouraging adaptive re-use of old industrial buildings. Another approach, and the one that the Land Use Plan endorses, is to allow entertainment uses in the industrial zones which are to be designated in the South Ward. Industrial uses are important to the City's economy because they provide much needed jobs for local residents. Zoning for industrial uses in the South Ward will be retained, but will not preclude entertainment uses as well.

2. A suggestion was made to revise the text description of Weeden Park in the Land Use Element to include the economic development benefits that the park provides such as training for horticultural and landscaping careers.

Response: While a discussion of economic development programs is beyond the scope of the Land Use Element and will be more fully addressed in the Economic Development Element of the Master Plan, the Land Use Element recognizes that neighborhood parks and open space facilities provide many benefits to their users, and policy statements to that effect are articulated in the Assumptions, Goals and Policies of the document.

3. Interest was expressed in developing an area near Route 22 as an aquarium.

Response: The City is making an effort, as part of its revitalization, to attract and expand opportunities for commercial entertainment and recreational facilities in Newark, e.g. NJPAC Riverfront Stadium. The Land Use Element recognizes this effort by including entertainment uses in a number of land use designations, including the Regional Commercial (CR) category which, as shown on the Future Land Use maps, is the designation applied to land near the intersection of Route 22 and Elizabeth Avenue. While it is not the purpose of the Land Use Element to recommend specific development projects for a particular land use designation, an aquarium is a use that would be permitted within the Regional Commercial category. Also see response to Comment No. 1 above.

4. A suggestion was made to mention the proposed Greenway system for the City in the text of the Land Use Element.

Response: A Recreation and Open Space Element of a Master Plan is the more appropriate place for such a description, and when this Element is prepared, the Greenway system already identified in the NED/ART study will be included. A

reference will be added to the Land Use Element relating to the City's Greenway system, thereby acknowledging and endorsing it.

5. A suggestion was made to redevelop contaminated land for recreational uses.

Response: The City seeks to have a contaminated sites cleaned up and put to more productive use, including recreational uses where appropriate and economically feasible. Whether remediated sites can be used for recreational activities or not will need to be determined on a case-by-case basis through careful engineering and market analysis. The level of environmental cleanup and the uses associated with it will vary according to the proposed use of the site. For example, industrial re-use of a site will require a lower level of environmental cleanup than would recreational re-use.

6. A suggestion was made to create a family entertainment zone in the South Ward to allow re-use of older industrial buildings for restaurants, bowling alleys, etc.

Response: See response to Comment No. 4 Meeting No. 5 above.

7. Opposition was expressed to a proposed gas station at Chance or Avenue and Leslie Street. It was felt such a use should not be allowed at that location on the Future Land Use Plan.

Response: The Land Use Element does not recommend specific development projects for particular locations or land use categories. Gas stations will be permitted only under the Regional Commercial (RC) category as indicated on the Future Land Use maps. The corner of Chance or Avenue and Leslie Street is not designated as a Regional Commercial area on the Future Land Use maps and therefore a gas station would not be permitted as of right there. Gas stations and other auto-related uses will be restricted mainly to those traffic corridors where they already exist in the City.

8. A suggestion was made to re-use older buildings such as the Citibank Building that also has parking available.

Response: The City encourages adaptive re-use of older buildings where appropriate. In the new zoning ordinance, the intention will be to require sufficient parking to accommodate whatever parking is needed for that particular use.

9. The need to correct the maps in the area of Hawthorne and W. Peddie Streets was pointed out. It was suggested that the N.C. Dept. of Transportation be contacted for the new highway alignments and location of new access ramps.

Response: The City's land use map consultant has been provided with information showing the new access ramp configurations for Route 76 and Route 21.

10. Support was expressed for building up the landlocked area near Peshine and Jewell Avenues with medium or entertainment uses rather than more industrial uses.

Response: Consistent with the requirements of State law, the land uses shown on the Future Land Use maps for this area, indicating industrial use, are consistent with the designations shown in an earlier adopted redevelopment plan for this area. The redevelopment plan was approved by the Central Planning Board and Municipal Council and any changes to that plan would require adoption of an amendment by the Planning Board and Council.

Concern was expressed over whether minority contractors will be given opportunities to participate in the redevelopment of the South Ward.

Response The City has an affirmative action policy that requires the participation of minority contractors on government-sponsored projects. Information about the City's affirmative action policy can be obtained by visiting or phoning The Office of Affirmative Action & Set Aside Program, Room 821, City Hall, 920 Broad Street, Newark, NJ 07102, tel. (973) 733-6394.

Meeting No. 6 North Ward

Date: Thursday, February 28, 2002

Sponsoring Community Organization: La Casa de Don Pedro

Location: Baringer H S., 90 Parker Street

Comments:

Concern was expressed that the community needs schools and proposed school sites should be protected. Neighborhoods should be re-built using schools as the neighborhood center.

Response: The Newark Public Schools, City of Newark and the consultants to the plan all recognize that school facilities play an important role in neighborhood planning and redevelopment and, on this basis, sites have been selected to the extent they can, among other criteria, serve multiple neighborhood-related purposes. For example, a school that utilizes an abutting park for recreation or provides parking or provides a community center. New school sites will gain some measure of protection once the Land Use Element is adopted by the Central Planning Board, by virtue of the fact that the highest priority school sites have been indicated on maps included in the Land Use Element. This will allow the City to reserve these sites for up to one year under the State's Municipal Land Use Law should a developer submit plans for City approval seeking to build something other than a school at one of these sites. Further protection will also be provided by an amendment of the City's existing zoning ordinance that will re-zone the highest priority sites limiting their use exclusively to primary and secondary schools. (See also response to Comment No. 1, Meeting No. 3)

2. Opposition was expressed to increasing housing density near transportation nodes as advocated in the community plan sponsored by La Casa de Don Pedro.

Response: The community plan sponsored by La Casa de Don Pedro agrees in many respects with the City's Future Land Use Plan, which proposes an increase in housing density for certain sections of the City, namely along the west side of Branch Brook Park and near Newark Penn Station, adjacent to the Passaic River. The decision to increase density in these areas was made in response to strong market demand for new housing in the City and also because these areas are in proximity to public transportation. It was also thought that views of the park and the river would be attractive to new residents. Increasing housing density near transportation nodes provides convenient access to public transportation for new residents and thus encourages the use of mass transit. This results in a reduced dependence upon automobile use, which has obvious environmental benefits. Transit-centered development is also consistent with Smart Growth principles expressed in the State Development and Redevelopment Plan.

3. Concern was expressed that the boundaries of the Forest Hill neighborhood in the Land Use Element do not match historical precedent.

Response: The boundaries of Newark's neighborhoods, as described in the text of the Land Use Element, are generally consistent with neighborhood descriptions found in other planning studies and documents that were reviewed during preparation of the Land Use Element. A study of these other documents can be found in the Appendix of the Land Use Element. It should be noted that the neighborhood descriptions contained in the Land Use Element provide a broad

contemporary vision of the area's boundaries rather than the more narrow historic-based boundaries. Of course, such boundaries will likely shift over time necessitating an update. The Land Use Element Text descriptions of the Forest Hill neighborhood in the Land Use Element thus describe the contemporary, current boundaries of the area. Certain cases, however, more precise legal definition is required, as in the case of the legislative-approved boundaries of the Forest Hill Historic District. This District constitutes a significant portion of the Forest Hill neighborhood as shown on the District Overlay maps included in the Land Use Element. The Land Use Element attempts to protect the value of the Forest Hill Historic District and surrounding neighborhood homes through retaining the low-density residential designations that have historically been applied to land use plans and zoning maps for this area. Additional ideas and recommendations for preserving the historic character of the Forest Hill Historic District will be explored and taken into consideration when the Historic Preservation Element of the Master Plan is updated in the future.

4. Support was expressed for retaining single-family zones in the North Ward as the exist now and not changing the land use to allow 2-family homes.
Response: The City agrees that the zoning of areas for single-family homes in the North Ward should be retained as they currently exist. A land use designation consistent with single-family residential zoning will be applied to these areas on the Future Land Use Plan in the Land Use Element.
5. Concern was expressed that code enforcement efforts by the City were not sufficient to prevent illegal conversions of one-family homes into 2- and 3-family homes in the North Ward.
Response: Although code enforcement is an issue beyond the scope of the Master Plan, it is fair to say that City land use policy, as expressed by the Land Use Element, does not endorse or encourage the conversion of properties that will result in a violation of City zoning regulations. Appropriate sanctions and legal remedies will be applied to such violations when discovered.
6. A suggestion was made to apply land use designations along Verona Avenue that would eliminate undesirable uses, such as bars and taverns.
Response: A change in land use and zoning designations prohibiting bars and taverns or curtailing their operational impacts along Verona Avenue may not necessarily eliminate existing undesirable businesses in the short term, being that they could remain as non-conforming uses under grandfathering provisions of the zoning ordinance. Grandfathering of existing legal non-conforming uses is required by State law. Recognizing that bars and taverns may sometimes have undesirable impacts upon neighboring properties, the key remedy to be applied here would involve stepping up code enforcement of existing regulations governing noise, litter and parking. A recommendation can also be made to incorporate strict conditional use regulations for such establishments into the zoning ordinance that will be drafted subsequent to adoption of the Land Use Element.

7. A suggestion was made to locate an animal shelter in the industrial area north of Verona Avenue.

Response: The Land Use Element includes a Future Land Use Plan which indicates proposed land uses for the City according to several broad categories and use as indicated in the legend of each map and further described in the text of the Land Use Element. The Land Use Element, however, does not make recommendations for specific uses on specific sites. As indicated on the Future Land Use Plan, the area north of Verona Avenue at its western end is designated for light industrial uses while at its eastern end it is designated for medium industrial uses. Current animal shelters are a permitted use within the M2 medium industrial and M3 heavy industrial zones under the City's existing zoning ordinance. A determination of whether animal shelters will remain in these categories can be expanded to M1 light industrial zones subject to conditions will be made at the time the City's zoning ordinance is rewritten following adoption of the Land Use Element by the Central Planning Board.

8. Support was expressed for increased recreational uses in the North Ward.

Response: The need for increased recreational uses in the North Ward is an issue that will be considered when the Open Space and Recreation Element of the Master Plan is updated in the future. Greater details concerning how those needs can be met will be determined during the neighborhood planning process that will accompany the Open Space and Recreation Element update.

9. Concern was expressed that notification requirements have been reduced with respect to variances for 50 foot and 35 foot lots.

Response: All variance applications require that property owners within 200 feet of the applicant's property be notified of the variance, by letter and by public notice in a newspaper of mass distribution such as the Star Ledger. Notification requirements for variances are governed by the State's Municipal Land Use Law and cannot be repealed or exempted by the City of Newark.

10. Support was expressed for urban design controls to improve the appearance of new residential homes.

Response: See response to Comment No. 3 Meeting No. 3.

11. Concern was expressed that more attention should be paid to Lower Broadway, Route 21 and the area near the Passaic River, in addition to the Forest Hill area.

Response: The Land Use Element provides descriptions for each of the City's neighborhoods. The Lower Broadway neighborhood is described in as much detail as any of the other neighborhoods that are included in the Land Use Element.

12. Concern was expressed that not enough parking is provided near Newark subway stops.

Response: Issues concerning transportation and parking will be considered in greater detail when the Circulation & Transportation Element of the Master Plan is updated in the future. Parking requirements for all uses will be re-examined, however, when the City's zoning ordinance is rewritten following adoption of the Land Use Element by the Central Planning Board.

13. Concern was expressed that auto-related uses such as a new interchange center and car wash in the area west of Branch Brook Park near 2nd Avenue have increased traffic.

Response: The Master Plan does not address the impacts of a single use at a specific location; however, traffic impacts were taken into consideration when determining the proposed land uses for the Future Land Use Plan, which is included in the Land Use Element. In general, therefore, because auto-related uses do impose considerable traffic burdens on the specified areas, auto-related uses will not be permitted under the Community Commercial Land Use category shown on the Future Land Use Plan.

14. It was felt that Block 1968 would make a great site for a school and interest was expressed over whether a school will be built there.

Response: Newark Public Schools has identified Block 1968 as a site for a proposed new elementary school. This site is indicated as a future potential school site on the Parks and Schools Plan in the Land Use Element.

15. Concern was expressed that the light industrial area along Verona Avenue between Forest Hill and Harknley Boulevard is currently desolate and dangerous. It was suggested that a school or athletic field be built there.

Response: The majority of this site has been proposed as a future school site by Newark Public Schools and is indicated as such on the Parks and Schools Plan in the Land Use Element. In general, though, schools will be a permitted use as of right in all of the City's zoning districts.

16. A question was raised concerning why 1- and 2-family homes were shown as one designation on the Existing Land Use Map.

Response: At the outset of the block-by-block "windshield" survey that was conducted by the Master Plan consultants to determine existing land uses in the City, it was decided to merge 1- and 2-family homes into a single land use category owing to the difficulties encountered in many cases in distinguishing between the two housing types merely by viewing them from the exterior.

Meeting No. 7 West Ward

Date: Monday, March 4, 2002

Sponsoring Community Organization: Hispanic Development Corporation

Location: 523 Orange Street

Comments

1. A suggestion was made that the Master Plan should allow for affordable daycare facilities and services. The Master Plan should also indicate locations of police stations and substations and address problems with traffic related to police chases.

Response: State Municipal Land Use Law allows in-home family daycare services for up to five children to be located as of right in a residential zone. State law also permits commercial daycare facilities licensed by the State to be provided as of right in a non-residential zone. With respect to police facilities, issues regarding their location will be addressed when the Community Facilities Element of the Master Plan is updated in the future. Similarly, traffic issues related to police chases will be addressed when the Transportation Element of the Master Plan is updated in the future.

2. Concern was expressed over what will happen with the currently vacant Children's Hospital site.

Response: The City is not aware of any proposals that would alter the current land use designation for this site.

3. The parking of cars in the front yards of homes was criticized. More green space should be planned for the neighborhood.

Response: Issues concerning design standards and parking requirements are beyond the scope of the Land Use Element, but will be addressed when the City's zoning ordinance is rewritten following adoption of the Land Use Element by the Central Planning Board. Certainly, the issue of balancing parking needs with the desire to develop attractive neighborhoods is a difficult one to resolve. Issues concerning the need for more green space will be addressed when the Open Space and Recreation Element of the Master Plan is updated in the future.

4. Concern was expressed about the lack of sites for schools and parks. Support was expressed for setting aside land for schools. Support was expressed for building smaller schools rather than large schools with more than 800 students because of the control problems they create. It was suggested that the former Newark City News building be re-adapted for use as a school.

Response: Newark Public Schools has identified sites for proposed new schools which are shown on the Schools and Parks maps included in the Land Use Element. See also the response to Comment No. 1, Meeting No. 6. Issues related to the lack of sites for parks will be addressed in the Open Space and Recreation Element of the Master Plan when it is updated in the future.

5. Concern was expressed about the double- and triple parking that takes place along South Orange Avenue, near Telford Street and Stuyvesant Avenue.

Response: The double- and triple parking that occurs along South Orange Avenue, near Telford Street and Stuyvesant Avenue, is a traffic management issue that is outside the scope of the Land Use Element. In general, however, traffic flow issues

will be addressed when the Circulation & Transportation Element of the Master Plan is updated in the future.

6. Concern was expressed about the proposed commercial development along South Orange Avenue and the additional traffic it will bring.

Response: South Orange Avenue's land will remain a commercial corridor as indicated on the future Land Use Plan. The Land Use Element issues concerning traffic along South Orange Avenue will be addressed when the Transportation Element of the Master Plan is updated in the future.

7. Interest in more recreational facilities for school-age children was expressed.

Response: Issues related to the need for more recreational facilities for school-age children will be addressed in the Open Space and Recreation Element of the Master Plan when it is updated in the future.

8. Interest was expressed in knowing when the other Elements of the Master Plan such as Housing and Transportation will be initiated and completed and when neighborhood planning for the City's 21 neighborhoods will begin.

Response: See response to Comment No. 2, Meeting No. 4. It is expected that work on updating the Housing Element of the Master Plan will be initiated soon after the Land Use Element is adopted by the Central Planning Board and the City's zoning ordinance is re-written and adopted by the Municipal Council. The City is currently finalizing work on a Newark Economic Development Land Use and Transportation study that will form the basis for an updated Transportation Element of the Master Plan in the future. Neighborhood planning studies will be carried out in connection with updates to the Community Facilities Element and Open Space and Recreation Element in the future.

9. Concern was expressed about whether consideration has been given to creating additional retail areas 1 or 2 blocks away from the major traffic corridors such as along 12th Avenue near Fairmount Avenue.

Response: The Land Use Element recognizes that there is currently too much land zoned for commercial development in certain sections of the City given the drop in population necessary to support these businesses. In recognition of this, the Land Use Element attempts to concentrate retail uses in commercial nodes in areas where accessibility is good and parking can be provided. In general, the Future Land Use Plan designates the major traffic corridors for regional commercial (C-R) use, while neighborhood commercial (C-N) and community commercial (C-C) use designations are reserved for more local streets.

10. Concern was expressed that \$18 million of Community Development Block Grants is available and should be used for neighborhood planning.

Response: Community Development Block Grants are being used for both planning and various neighborhood improvement projects throughout the City of Newark.

11. Concern was expressed that decisions about the Master Plan have already been made because high-level officials such as the Mayor have not appeared at any of the public meetings.

Response: The 10 public meetings concerning the draft Land Use Element, which were held throughout the five wards of Newark during February and March of 2002, were well attended by community residents, City officials and representatives of the Mayor's office. At least four Council members, including Council President Donald Brade, also attended the meetings. It should be noted that Mayor Sharpe James fully supports community involvement in the Master Plan process. Citizen input constitutes an important component of the decision-making process for the Land Use Element, as evidenced by the attention being given to reviewing and responding to the public's verbal and written comments about land use issues in the City. These comments will be given due consideration when making final revisions to the Land Use Element before it is submitted to the Central Planning Board for adoption.

Meeting No. 8 **North Ward**

Date: Tuesday March 5, 2002

Sponsoring Community Organizations: La Casa de Don Pedro, St. James C.D.C.

Location: Rafael Hernandez School 345 Broadway

Comments

1. Concern was expressed about illegal conversions in the Forest Hill area. Code enforcement needs to be beefed up.

Response: See response to Comment No. 5 Meeting No. 6

2. A suggestion was made to make traffic along the major north-south streets one-way, with diagonal parking.

Response: This suggestion will be taken into consideration when the Circulation & Transportation Element of the Master Plan is updated in the future.

3. Concern was expressed about the lack of recreational and athletic facilities for youth in the North Ward.

Response: See response to Comment No. 8 Meeting No. 6 and Comment No. 7 Meeting No. 7

4. Support was expressed for removing eyesores along Route 21 (i.e. the industrial building adjacent to the new Comfort Inn and parts of downtown (i.e. the Renaissance Mall and parts of Broad Street).

Response: Issues concerning site design standards, such as signage and landscaping requirements, are beyond the scope of the Land Use Element and will be addressed when the City's zoning ordinance is re-written following adoption of the Land Use Element by the Central Planning Board.

5. Concern was expressed about parking problems created by new home development along Stone Street.

Response: Issues concerning parking requirements for new residential development are beyond the scope of the Land Use Element and will be addressed when the City's zoning ordinance is re-written following adoption of the Land Use Element by the Central Planning Board.

6. A need for additional land for schools was expressed. The mixed-use area north of Verona Avenue between Tiffany Boulevard and Mt. Prospect Avenue was suggested as an area to be designated as an S-G-M area for school and recreational use.

Response: This majority of this site has been proposed as a future school site by Newark Public Schools and is indicated as such on the Parks and Schools Plan in the Land Use Element; in general, though, schools will be a permitted use as of right in any of the City's zoning districts.

7. Concern was expressed about a parking problem along Broad Street in the North Ward, and about the fact that this street is sometimes used as a speedway for cars. A need for a supermarket in the area was also expressed so that neighborhood residents will not have to travel to Kearny or Belleville to do their grocery shopping as they do now.

Response: Issues concerning parking requirements are beyond the scope of the Land Use Element and will be addressed when the City's zoning ordinance is rewritten following adoption of the Land Use Element by the Central Planning Board. Traffic control issues along Broad Street are beyond the scope of the Land Use Element and in general will be addressed when the Circulation & Transportation Element of the Master Plan is updated in the future.

8. A complaint was made about tax abatements for homes. It was suggested that a rationale system of taxes be applied to all homes.

Response: The issue of tax abatements for homes is beyond the scope of the Land Use Element and in general will be addressed when the Housing Element of the Master Plan is updated in the future.

9. A complaint was made that there are too many nightclubs in the vicinity of Summer Avenue and Syvan Avenue, creating noise and parking problems.

Response: Recognizing that nightclubs, bars and taverns may sometimes have undesirable impacts upon neighboring properties, the key remedy to be applied here would involve stepping up code enforcement of existing regulations governing noise, litter and parking. A recommendation can also be made to incorporate strict conditional use regulations for such establishments into the zoning ordinance that will be drafted subsequent to adoption of the Land Use Element by the Central Planning Board. Parking issues will be considered when the Circulation & Transportation Element of the Master Plan is updated in the future. Parking requirements for all uses will be reexamined when the City's zoning ordinance is rewritten following adoption of the Land Use Element by the Central Planning Board.

10. Concern was expressed about proposed developments along Ridge Street.

Response: We are not aware of any developments proposed for Ridge Street other than the Ridge Elliott Middle School on Tax Blocks 801 and 804 and the Ridge Street Elementary Replacement School on Tax Block 780. These developments will provide needed school facilities for the community, and are consistent with the sites identified in the Newark Public Schools Site Evaluation Study.

11. Support was expressed for designating the Passaic River waterfront as green space instead of as a mixed use area.

Response: The Passaic River waterfront to a large extent is designated as a waterfront mixed-use SW area on the Future Land Use Plan in order to encourage and provide incentives for private sector development of the waterfront as a mixed-use environment – residential, retail, office, entertainment, open space and recreation uses, with a particular emphasis and orientation toward waterfront activities such as boating, marinas, waterfront walkways, outdoor cafes, etc. Provisions will be incorporated into the forthcoming new zoning ordinance that will require a certain percentage of the land designated for waterfront use to be set aside for open space. Any private sector development taking place along the waterfront in the future will thus be required to provide open space and recreation at no cost to the public. Designating the entire Passaic River waterfront solely for parks and open space, on the other hand, would require the City to acquire the privately-held parcels that exist along the waterfront and redevelop them for open space use. In the event a developer sought approval from the Central Planning Board for some

other use of this land before the City could acquire it, the City would be obligated to purchase the land within one year in accordance with the State's Municipal Land Use Law. The need to purchase these privately owned parcels in such a relatively short amount of time would place an unreasonable strain upon the City's budgetary resources. The goal of providing open space along the waterfront can thus be achieved more readily by designating this land as a special purpose waterfront zone rather than for parks and open space only.

12. Concern was expressed over when neighborhood planning committees will start work and who will be responsible for coordinating their work.

Response: See response to Comment No. 1, Meeting No. 4.

13. Support was expressed for making senior citizen centers, schools and recreational facilities a priority.

Response: Determinations of need and priorities for senior citizen centers, schools and recreational facilities will be made when the Community Facilities Element and the Open Space and Recreation Element of the Master Plan are updated in the future.

14. A complaint was made that there is too much traffic on Lake Street.

Response: Traffic control issues along Lake Street are beyond the scope of the Land Use Element and in general will be addressed when the Circulation & Transportation Element of the Master Plan is updated in the future.

15. A suggestion was made to create residential permit parking.

Response: Parking issues are beyond the scope of the Land Use Element and will be considered when the City's zoning ordinance is re-written following adoption of the Land Use Element by the Central Planning Board as well as when the Circulation & Transportation Element of the Master Plan is updated in the future.

Meeting No. 9 Central Ward

Date: Wednesday, March 6, 2002

Sponsoring Community Organization: New Community Corporation

Location: New Community Recreation Center 3605 Hayes Street

Comments

1. A suggestion was made to build pedestrian walkways above McCarter Highway to provide access to the waterfront.

Response: The Land Use Element recognizes the need and desirability of providing pedestrian access to the Passaic River waterfront. In general, the Future Land Use Plan extends the City's street grid pattern to the waterfront as a means of providing easy access for pedestrians and mass transit vehicles. Specific recommendations related to pedestrian walkways above McCarter Highway will be considered when the Circulation & Transportation Element of the Master Plan is updated in the future.

2. A suggestion was made to locate new schools near public transit.

Response: Newark Public Schools has identified sites for proposed new schools which are shown on the Schools and Parks maps included in the Land Use Element. Moreover, subject to adoption of the Land Use Element by the Central Planning Board, schools will be a permitted use in all land use categories. See also the responses to Comment No. 1 Meeting No. 6 and Comment No. 7 Meeting No. 6.

3. Concern was expressed about how the proposed site for the new Central High School will be protected.

Response: See the response to Comment No. 1 Meeting No. 6.

4. It was felt that more efforts should be made to revitalize the inner city community with new retail and entertainment opportunities.

Response: The Land Use Element endorses the concept of creating retail commercial nodes along the major traffic corridors, such as Springfield Avenue, as a means of strengthening and increasing retail opportunities in the neighborhoods. See the response to Comment No. 8 Meeting No. 7. The Land Use Element also promotes the revitalization of areas throughout the City with increased entertainment opportunities, particularly in the Central Business District (CBD) as well as in areas around N. PAC and Symphonypark, by designating these areas as special-purpose mixed use zones that will permit residential, retail, office, entertainment and recreation uses. Suggestions have also been made to convert some of the old abandoned industrial buildings in the City to recreational uses. See responses to Comment No. 1 and 5 Meeting No. 7, and Comment No. 5 Meeting No. 2. The issue of recreational facilities will be given greater consideration when the Community Facilities Element of the Master Plan is updated in the future.

5. It was felt that more attention should be paid to improving transit to allow better access to the waterfront.

Response: See response to Comment No. 1 Meeting No. 9 above.

6. It was felt more opportunities should be given to neighborhood residents to work in their own community.

Response: The Future Land Use Plan endorses the concept of increasing neighborhood retail employment opportunities through the creation of retail commercial nodes along the major traffic corridors in the City, such as Springfield Avenue. See the response to Comment No. 9, Meeting No. 7 and Comment No. 4, Meeting No. 9 above. Attempts to create employment generating opportunities close to Newark's neighborhoods have also been made through the development of the South Ward Industrial Park and the University Heights Science Park complex.

7. An interest was expressed in having the City wait until after the mayoral election in May before adopting the Land Use Element.

Response: The City's intent is to have the Land Use Element adopted as soon as possible so that it can form the basis for a new zoning ordinance. The date of the election is not a factor in either speeding up or slowing down the process. It is now anticipated that the Land Use Element will be submitted to the Central Planning Board for adoption by late fall of 2003.

8. A question was asked concerning whether projections have been made to determine the ultimate population of the City after all the proposed development takes place and how much revenue will be generated in taxes for the City, if all the development that is proposed actually takes place.

Response: A build-out analysis was not included in the Scope of Work for the Land Use Element. It is anticipated that when the Community Facilities Element of the Master Plan is updated in the future, population projections will be prepared as part of the neighborhood planning process, so that the need for new schools, parks and other community facilities can be estimated. Insofar as how much revenue will be generated, a fiscal impact analysis is not typically a part of a Master Plan. However, the City recognizes that it is sound fiscal policy to have a land use plan in which commercial and other tax-ratable land uses are balanced against residential land uses as a means of generating taxes that will help pay for municipal services provided to residents and employees.

9. Concern was expressed that maintaining the grid pattern of streets will allow stolen cars to be driven up and down the streets in the neighborhoods.

Response: The Land Use Element endorses maintaining the City's street grid pattern. Section 5.2, Paragraph 5.1.1 of the Land Use Element describes several of the advantages a grid street pattern offers. The issue of stolen cars is an enforcement issue that is beyond the scope of the Land Use Element. Traffic control and traffic-calming measures, in general, will be considered when the Circulation, i.e., Transportation, Element of the Master Plan is updated in the future.

10. A concern was expressed that better structure and organization for the Master Plan process is needed. It was recommended that the City contract with the Master Plan Working Group to be responsible for the neighborhood planning process.

Response: The City endorses community involvement in the neighborhood planning process. Efforts will be made to have the Master Plan Working Group play a major role in this process.

11. Concern was expressed that not enough outreach efforts were made to inform residents in certain sections of the City, such as the Frelinghuysen/Dayton area and the Pennington/Church Street area in the East Ward, about the public meetings and involve them in the planning process.

Response: Citizen input is an important component of the Master Plan process, as evidenced by the 10 public meetings that were held in February and March of 2002 throughout the five wards of Newark, where the public had an opportunity to express their opinions, both verbally and in written form, concerning the draft Land Use Element. Outreach efforts were provided by local sponsoring organizations, as well as through a citywide mass mailing, newspaper ads and radio and TV public service announcements. Additional opportunities for citizen input are expected to be provided during the neighborhood planning process that will take place when the other pertinent Elements of the Master Plan are updated in the future.

12. Concern was expressed that neighborhood residents should have more input in determining neighborhood character and urban design features of their neighborhoods. It was suggested that language be inserted into the Land Use Element that speaks about neighborhood character and design issues.

Response: The Land Use Element devotes an entire chapter (Chapter 3) to describing Newark's neighborhoods and the unique characteristics that distinguish each from the another. Although urban design guidelines are beyond the scope of the Land Use Element, community involvement in the neighborhood planning process will play an important role when issues concerning neighborhood character and urban design are considered as other Elements of the Master Plan are updated in the future. Urban design guidelines will also be considered when the City's zoning ordinance is re-written following adoption of the Land Use Element by the Central Planning Board. See also the responses to Comment No. 4, Meeting No. 8 and Comment No. 7, Meeting No. 2.

13. A suggestion was made to take a look at what the developer Hovnanian did in Weehawken along the waterfront as an example of good waterfront design.

Response: The Future Land Use Plan includes a special purpose waterfront uses category (S-W) that allows mixed-use development along the waterfront. It is expected that this land use category will encourage creative design proposals that will enhance the value and use of waterfront properties along the Passaic River in Newark.

14. A suggestion was made to improve lighting along the City's streets.

Response: Issues concerning street lighting are beyond the scope of the Land Use Element and will be considered when the Utility Service Element of the Master Plan is updated in the future.

Meeting No. 10: **South Ward**

Date: Thursday, March 7, 2002

Sponsoring Community Organizations: Crest Community Development Corp.,
Donald Jackson Neighborhood Community Corp.

Location: Avon Avenue School, 237 Avon Avenue

Comments:

1. A question was raised as to whether property owners will be compensated during the one-year period of reservation by the City that will be allowed as a result of showing the proposed school sites on the Future Land Use Plan.

Response: Compensation for property reserved or taken for public use is dictated by State law and to the extent that a property owner is prevented from making full use of their property as a result of a zoning action by the City, that property owner may be entitled to compensation for loss of the use of that property over time. Under New Jersey Statutes Sec. 40:55D-44, a municipal planning board may reserve the location and extent of public areas, whether they currently exist or not, provided they are shown on the municipality's official map. The planning board is then empowered to require that such public areas be shown on a developer's site plan in locations, and of a size, suitable for their intended uses prior to approving the developer's site plan or subdivision application. The planning board may then reserve the public use site for a period of one (1) year, or until such further time as may be agreed to by the developer. During that period, the municipality has the option to purchase or institute condemnation proceedings for the designated public areas. Should the one (1) year or other agreed upon time period lapse, however, without action by the City to purchase or condemn the site, the developer is freed from the reservations imposed upon the site and may proceed to use the land for private use, in accordance with applicable development regulations.

2. The importance of preserving historical sites and areas was expressed.

Response: The importance of preserving historical sites and areas is recognized in the Land Use Element through maintaining the existing land use designations for these areas on the Future Land Use Plan. Further protection for historical sites and areas is provided by the Newark Landmarks and Historic Preservation Commission, which reviews proposed changes to landmark sites and acts to designate landmark sites and districts.

3. A question was asked concerning how the homeowner tax re-assessment effort currently taking place in Newark will affect community residents.

Response: See response to Comment No. 18, Meeting No. 2.

4. Concern was expressed about where daycare centers will be located.

Response: See response to Comment No. 1, Meeting No. 7.

5. Concern was expressed about whether junk yards will be allowed to exist in the neighborhood.

Response: Under the Future Land Use Plan included in the Land Use Element, junk yards will be a permitted land use only in Heavy Industrial (I-H) areas. Similarly, under the new zoning ordinance to be written following adoption of the Land Use

Element by the Central Planning Board, junk yards will be a permitted land use only in Heavy Industrial (I-H) zones and are expected to be subject to strict controls regarding health and safety. Consistent with State law, existing junk yards will be "grandfathered" under the new zoning ordinance and will be allowed to continue to operate as non-conforming uses, provided they meet regulatory requirements.

6. Questions were asked about the process of acquiring property from the City in redevelopment areas.

Response: This is not an issue that can be addressed by the Land Use Element. However, the City does hold auctions of City-owned property several times a year. Questions concerning acquisition of City-owned property and the auction process should be addressed to the City of Newark's Department of Economic and Housing Development, Division of Property Management, Room 421, 920 Broad Street, Newark, NJ 07102, tel. (973) 733-3914.

7. A question was asked whether there are plans to bring industrial uses involving hazardous substances into the neighborhood.

Response: See Response to Comment No. 3, Meeting No. 2.

8. Concern was expressed about how institutions such as hospitals will be contained from expanding beyond their current boundaries.

Response: See response to Comment No. 4, Meeting No. 1.

9. A question was asked concerning which use category churches and other religious institutions will be included in.

Response: See response to Comment No. 6, Meeting No. 1.

10. Concern was expressed about the lack of park land in Newark.

Response: See response to Comment No. 12, Meeting No. 2.

11. Criticism was expressed about the lack of representation of elected officials and department heads on the panel at the Master Plan public meetings. It was felt that the Master Plan for the City has already been pre-determined.

Response: See response to Comment No. 11, Meeting No. 7.

12. A suggestion was made that an interim moratorium ordinance against further development in the City should be enacted by the Municipal Council.

Response: See response to Comment No. 13, Meeting No. 4.

